IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12955 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHAVNAGAR DISTRICT CO OP BANK LTD

Versus

VINESH NARAINBHAI SHILU

Appearance:

MR SHIRISH JOSHI for Petitioner No. 1-2
MR BM MANGUKIYA for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 11/10/2002

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Rule, returnable today. Mr. B.M. Mangukiya appears and waives service on behalf of the respondent.

On the joint request, this matter is taken up for final hearing today.

2. The petitioner-management has challenged in the present petition the judgment and order of the Labour Court, Bhavnagar [Annexure 'O'], which was confirmed by the Industrial Court, Bhavnagar by the rejection of the petitioners' appeal [Annexure 'Q'].

3. I have heard the learned counsel for the respective parties extensively. As a result of the hearing and discussion, learned counsel for the respective parties state before the Court, after due instructions from their respective clients, that the question of proportion of backwages which ought to be awarded to the respondent-employee is specifically left to the discretion of the Court, without the necessity of giving reasons. It is clarified that the impugned orders, so far as they pertain to reinstatement shall be treated as not having been challenged in the present petition.

4. After having applied my mind to the facts and circumstance of the case, I am of the opinion that interest of justice will be served, in consonance with the facts and circumstance as they appear on the record, to hold and direct that the respondent-employee shall be entitled to backwages to the extent of 37.5%. The impugned orders shall stand modified to the aforesaid extent. It is clarified that the direction as to reinstatement is not interfered with by the present order.

5. The present petition is, therefore, partly allowed and rule is made partly absolute as indicated hereinabove, with no orders as to costs. Ad-interim relief stands vacated.

(Y.B. BHATT, J.)
mathew